



Frequently Asked Questions

W A T E R B U R E A U

Department of Environmental Quality Septage Program

Authority of Part 117, Septage Waste Servicers (Part 117), Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451).

Licensing

Q: For how many years are my septage waste program licenses valid?

The Septage Waste Program license cycle is 5 years, but the septage business is required by law to pay fees on an annual basis to maintain their licenses. New vehicle septage decals are issued each year (see question on vehicle decal color code). An annual fee is paid each year by the septage waste firm so their septage waste licenses remain in effect for that year.

Q: When does the Department of Environmental Quality (DEQ) mail out the fee invoice so I can maintain my septage waste licenses?

The Septage Waste Program mails out the annual fee invoices the last week in January. Included with the invoice is detailed guidance on what must be submitted along with the fees when they are mailed back to the DEQ for processing. These requirements include a summary of how much septage waste was pumped by the septage business the previous year and where the septage waste was disposed. Additionally, the soil analysis results, calculated agronomic application rates, and cropping plans for each permitted site and field location.

Q: I have not received my license or vehicle stickers but my check was cashed by the state of Michigan a long time ago. Does that mean my septage license has been issued and I can continue to pump septage waste?

No. If your license has expired and you do not have an up-to-date license, you are not authorized to pump, haul, and dispose septage waste.

The usual reason for delay is due to incomplete application forms. The DEQ will contact the septage business either in writing or by telephone when the application is deemed incomplete.

Vehicle Information

Q: Where should I put the vehicle license stickers when I receive them?

Upon receipt, they should be placed on both sides of the septage waste vehicle **cab**. Beginning in 2007, the stickers shall **not** be placed on the vehicle tank (unless the tank is mounted to a trailer). They must be displayed in a manner that is visible from another passing vehicle driven by staff from the DEQ Office of Criminal Investigations, Septage Program, Michigan State Police, or local health department.

Q: What does the vehicle license decal color code represent?

Different colored decals are issued to septage waste firms depending on where they dispose of the waste. For example, in 2007 purple decals will be issued to septage firms that do not land apply septage. Yellow decals are issued to septage waste firms who land apply septage waste as a means of disposal and treatment.

Please note that all previously issued license decals should be removed from the septage waste vehicle upon receipt of the 2007 decals.

Q: On what date will septage screening begin?

The screening of septage waste begins on October 12, 2006 (see Sec. 11710 (l)). The screen must not be greater than 1/2 inch mesh or through slats separated by a gap of not greater than 3/8 inch.

Septage waste pumping under Part 117

Q: Can a licensed septage hauler pump slaughter house waste?

No. This type of waste is not defined as septage waste. It is extremely important that the licensed septage waste firm owner read Part 117, especially the definitions in Sec. 11701 to clearly understand what type of waste can or cannot be pumped. The pumping of wastes that are not defined as septage waste may result in the violation of other state laws and legal action by the DEQ.

Q: Can a licensed septage hauler pump industrial process wastewater, sump pit contents from a car wash, or truck garage?

No. This type of waste is considered a liquid industrial waste. You must have a Part 121, Liquid Industrial Waste license to pump and transport this type of waste. Part 121 licenses are issued by the DEQ Waste and Hazardous Materials Division (WHMD).

In Michigan these types of waste are normally regulated as liquid industrial waste (nonhazardous liquid waste) under Part 121 of Act 451 unless it was contaminated by a fuel spill or other chemicals that would make it a hazardous waste. The generator of these wastes is responsible for characterizing the waste to determine if it is nonhazardous or hazardous waste. *Waste Characterization* guidance is available at <http://www.deq.state.mi.us/documents/deq-ess-p2tas-wastecharacterization.pdf>.

To haul the nonhazardous waste off site, you would need to become a permitted and registered uniform liquid industrial waste transporter because this waste is not considered septage waste (regulated under Part 117). The uniform application forms and regulations are available at http://www.michigan.gov/deq/0,1607,7-135-3312_7235---,00.html. There are requirements to manifest the waste loads and to take the waste to locations that have notified the DEQs WHMD that they are a liquid industrial waste designated facility and are managing the wastes under Part 121. If you are using vehicles also licensed under the septage program, there are additional requirements in Section 12105 of Part 117. If the waste is characterized by the generator to be hazardous, then you would need to be a permitted and registered hazardous waste transporter.

If you have questions about the liquid industrial waste regulations and what is required by an industrial waste or hazardous waste hauler, contact WHMD staff in the DEQ District Office in your area.

If you have questions about filling out the transporter application forms or want to discuss how to get the application processed as quickly as possible, including the form EQP 5150, to obtain a site identification number, you may contact Ms. Barbara Stevens at 586-753-3850. Ms. Stevens is with the WHMD's Southeast Michigan District Office and processes the transporter applications. To obtain the MCS-90 insurance form that needs to be submitted with the application, you will need to contact your insurance company.

Q: What about waste generated by a bakery, food processor, soft drink manufacturer, photo processor, funeral home, or dental office?

No. These wastes are not defined as septage waste. The waste generated by these businesses is considered liquid industrial waste. If in doubt check Sec. 11701.(f) through (j) and (u) of Part 117 or call staff from the DEQ Septage Program for clarification.

Q: Can milk house waste from a dairy farm be pumped by a licensed septage business?

Yes. However, this waste must be land applied only at a licensed septage waste land application site in accordance with Part 117 or at a septage waste receiving facility.

Land application of septage waste

Q: How large can a septage waste screening facility be? How long can the septage waste be kept in the screening facility and at what point is the facility considered a septage waste storage facility? Who determines if there is a problem with screening operations?

Screening units are usually 3,000 gallons or less in volume so as to accommodate the contents of the septage waste pump vehicle. In some cases the septage firm has a smaller screening unit so it can be easily moved to another licensed land application site. The septage is pumped through the screening unit and is usually land applied within minutes afterward. Detention time should not be more than an hour or two for any screening unit. A screening facility is considered a storage facility if the septage waste is not being pumped out and land applied the same day that it is screened.

Township residents and officials are watching septage land application sites closer than ever. If a hauler is using his screening device as a septage waste storage facility (SWSF) and did not receive DEQ approval to construct the SWSF, it will likely be reported to the DEQ by the township, its citizens, or noted during the annual inspection performed by the DEQ or local health department.

Q: I checked Part 117 and did not see any setback requirements for screening facilities. Are there any requirements for the placement, construction, and operation of a screening facility?

While the DEQ does not approve the use of screening units, there are requirements for septage waste screening operations. The screening facility must be water tight and not leak. These facilities must be designed and operated so odors are minimized and septage waste is not accidentally discharged to the ground. It is highly recommended that you check with the local health department with jurisdiction and local unit of government before installing a screening facility, since there may be a local health code or

zoning requirements. In some cases the local unit of government may require berming around the facility to contain septage in case there is a spill, a spill response plan, and the installation of odor control devices.

Q: Are there screening units available that attach to the septage vehicle?

There are commercial portable screening units available. We recommend asking fellow septage firms, checking industry publications, or the web for more information. More haulers are fabricating their own truck mounted screening units with varying degrees of success. Regardless of the screening device, they must be operated so the septage is applied uniformly and at agronomic rates to the land site.

Q: When do I have to pay \$500 for a permit to utilize a septage disposal (land) site?

Anytime there is new or increased use at a given site or at a site never before used for septage disposal by the septage company.

Q: Are septage haulers allowed to discharge septage on the ground?

Part 117 requires the discharge of domestic septage at authorized wastewater treatment plants, now referred to as septage waste receiving facilities, if that septage is pumped from a location within 15 radial miles of the facility. If none are available, then domestic septage can be land applied at approved sites.

In order to land apply septage waste, the septage hauler must first obtain approval from the DEQ. The DEQ regulates the land application of septage in accordance with Part 117 that limits application rates, slope, groundwater depth, and isolation distances.

When properly followed, Part 117 provides the following benefits when septage waste is disposed on land:

- Reduction of the likelihood of human contact with disease causing microorganisms through treatment and limiting public access to the site.
- Protects the groundwater and surface waters by ensuring isolation distances, soil type, and slope requirements of the land application site are met prior to the application of septage.
- Reduces odor and insect attraction either by tilling soils within 6 hours of application or through subsurface injection of domestic septage.
- Provides beneficial recycling of nutrients.
- Maximizes crop uptake of nutrients contained in domestic septage by controlling the amount that can be applied to the application site.

In addition to Part 117, septage land application is regulated under 40 CFR 503 called "Standards for the Use or Disposal of Sewage Sludge." These federal regulations apply when domestic septage is land applied to both nonpublic and public contact sites. These requirements include pathogen and vector reduction management techniques, which can include the injection of domestic septage into the soil, surface application with tilling of the soil within 6 hours, or even the addition of an alkaline material to raise the pH of septage. Standard 40 CFR Part 503 can be read in its entirety at:

http://www.access.gpo.gov/nara/cfr/waisidx_00/40cfr503_00.html.

Q: When does the ban on land application to frozen soil take place?

The ban on winter application when the soil is frozen went into effect on October 12, 2006.

Q: Can I land apply septage in the winter when the soil is not frozen?

Not necessarily. You must first have submitted a winter plan to the DEQ and received DEQ authorization to land apply septage waste during the winter months (December 21 through March 21). For more details on this matter please see Sec. 11711 of Part 117. To see if you have authorization, check the Directory of Licensed Haulers on the Septage Program webpage at www.michigan.gov/deqseptage.

Q: How am I supposed to dispose of my septage waste when the soil is frozen?

There are a number of options available to the licensed septage waste firm. These options include disposing of septage waste at either a DEQ authorized public or privately owned septage receiving facility for treatment or storing the septage in a DEQ authorized septage waste storage facility.

Q: What is the definition of frozen ground? Is snow covered considered frozen ground? Is there a certain date when the ground is considered frozen?

Frozen ground or soil is not defined in Part 117. The ban on land application when the soil is frozen was written into the law due to problems commonly associated with land application in winter. Septage runoff was common in winter and pathogen and vector attraction reduction was nonexistent because incorporation and injection into frozen soil is virtually impossible. Basically if you cannot properly inject or incorporate septage per state or federal requirements because the soil is frozen, you should not be land applying or you will be in violation of Part 117.

To determine whether or not the soil is frozen at your site, Michigan State University has an online resource to check soil temperatures called the Michigan Automated Weather Network <http://www.agweather.geo.msu.edu/mawn/>. This site provides automated weather stations located throughout the state. These stations provide soil temperature readings at 2 and 4 inch depths and are "real time."

Another option is to take a spaded shovel and attempt to dig down to a 6 inch depth into the soil. If you cannot easily dig a hole to that depth, you should not be land applying septage waste. The hauler land applying in winter must insure that they uniformly apply the septage waste so there is no ponding septage and that it is incorporated properly with the soil. If incorporation results in frozen blocks of soil, stop all land application since the soil is frozen and you are not meeting Part 117 requirements.

Snow covered soil may or may not be frozen. Snow is an excellent insulator making land application possible during the winter months when the temperatures are below freezing. Under these circumstances, the hauler will likely only get one pass to land apply and incorporate septage waste before the soil freezes. In all cases where soil is not frozen in winter (December 21 through March 21), the septage pumping firm must submit a "winter plan" to the DEQ for review and approval before proceeding with any land application.

Q: What is the difference between septage and biosolids?

Septage is the liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar storage or treatment works that receives only domestic septage.

Domestic septage mainly consists of water, sewage, grit, and organic fecal matter. While biosolids contain many of the same ingredients contained in domestic septage, biosolids are different from septage in the way they are produced. Biosolids are the organic materials generated when municipal sewage is treated at a wastewater treatment plant. Through proper treatment, biosolids can become a valuable agricultural product and is sold for its nutrient value, whereas septage is an untreated waste product directly removed from septic tanks and other sources as listed above.

Septage Receiving Facility Information

Q: Can I land apply septage waste within a receiving facility service area?

It depends on how the receiving facility (RF) defines their service area and whether or not there is a county or township ordinance enacted that bans the land application of septage within that particular governmental jurisdiction.

The service area is defined in Sec. 11701(s) of Part 117. Basically it says that the service area cannot exceed a 15 radial mile area around the center of the RF from this point in time through September 30, 2010, at which time the maximum service area can extend up to, but not more than, 25 radial miles from the center of the RF.

If the RF operating plan does not specifically state that a septage hauler's permitted septage waste land application site(s) are prohibited within their service area, the licensed septage hauler may continue to use those sites to land apply their septage waste. The hauler can only land apply septage waste on those sites if it was pumped outside of a defined RF service area.

The disposal of septage at a DEQ authorized site must cease if the RF operating plan specifically prohibits the land application of septage waste at disposal sites that are located within their service area.

An example of this can be found in the definition of the Leoni Township Septage RF located in Jackson County. A county ordinance was passed that requires all septage waste pumped in the county to go to the Leoni Township Septage RF.

In addition to the county ordinance, the 15 radial mile service area allowed under Part 117 captures a portion of Washtenaw County. The Jackson County service area, as defined in their operating plan, includes that area in Washtenaw County. However, the haulers who pump within that service area in Washtenaw County are not obligated to take the septage to Leoni for treatment since the Jackson County ordinance does not apply to other counties. The hauler is only obligated to take the septage to a RF for treatment and is prohibited from land applying that septage.

If the licensed septage firm has any questions, they should check the RF service area prior to disposing septage on land.

Q: Are variances issued under the old septage statute (Part 117) still valid?

No. The old variance approvals became null and void after the amended Part 117 was signed into law on October 12, 2004. The reason is that they were issued under the old septage law and those variances are in violation of the newly amended septage law. A good example of this is the old variance that allowed the land application of septage waste to frozen soils.

If a septage firm wants a variance, they must request it from the Director of the DEQ. The details regarding variances can be found in Sec. 11720 of Part 117.

Continuing Septage Education

Q: Is it true that Part 117 requires septage haulers to take classes on septage related topics in order to maintain their septage licenses?

Yes. The septage law, Part 117, mandates that a person from a septage firm must successfully complete a given number of hours of education in order to receive an initial septage license or to maintain their current septage license. Details can be found in Sec. 11703 (2), (3), (4), (5), and (6) of Part 117 and on the Septage Program website at www.michigan.gov/degseptage.

The septage law requires, beginning on January 1, 2007, a new septage business must designate a responsible agent to have a minimum of 10 hours of continuing septage education (CSE). If the new business does not have a responsible agent with 10 CSE credit hours, the DEQ shall not issue a septage waste license.

Q: Where can I find information on classes offered that qualify for CSE credits.

CSE course and seminar information is posted on the DEQ Septage Program web site at www.michigan.gov/degseptage. It is the fifth bullet point under "Downloads" and is entitled "Continuing Septage Education."

Q: Am I subject to the education requirement if I don't land apply septage and only dispose of the septage waste that I pump at a receiving facility?

Yes. **Every** hauler, regardless of how they dispose of septage waste, is required to receive the same hours of education as mandated in Part 117.

Q: A licensed business has a responsible agent who has attained the 30 educational hours required under Part 117. If this person dies, what happens? (Is there a time frame to this issue?)

This is an excellent example of why program staff stress that all septage firm owners designate themselves as the CSE "responsible agent" for their company. A number of husband and wife owned businesses attend CSE conferences together. Part 117 requires that only one CSE responsible agent be named per company, but that doesn't mean the other spouse (or business partner) can't attend DEQ approved CSE courses and build credit hours. By doing so, should something happen to the responsible agent, the business partner will be able to continue operating the business since they will have the CSE credit certification required under Part 117.

Otherwise, as of January 1, 2007, the new business owner is required to have at least 10 hours of CSE credits as required under Part 117. The business partner needs to have a minimum of 10 hours of CSE in order to take over the business should something happen to the CSE responsible agent.

Septage Fees and Part 37 Tax Exemptions

Q: Recent legislation changed procedures and/or regulations regarding septic waste disposal and increased fees for septic haulers. Fewer Waste Treatment Plants are now available in the state for processing septage waste. Increased fees for disposal may have resulted in more illegal disposal of septic wastes by residents as evidenced by the increase in trash pump rentals. Why was my tax exemption application denied for slurry stores (septage waste storage facility) under Part 37, Pollution Prevention Equipment, when tax exemptions are granted for seemingly similar pollution control devices utilized in agricultural activities?

Regarding the increase in fees, Michigan has experienced a decrease in General Fund revenue in recent years. This has caused a reduction in General Fund budgets for most departments, the DEQ included. Over the past four years, the General Fund portion of the DEQ budget has dropped from \$101 million to about \$32 million. Much of this lost revenue has been made up through new and increased permit fees as authorized by the Legislature. Those fees are necessary to support staff work on reviewing and deciding permit applications, conducting inspections, and ensuring compliance with environmental laws.

Part 37 allows tax exemption for facilities primarily used to reduce, control, or eliminate water pollution caused by industrial waste. A septage hauler is paid to pump and properly dispose of septage. Septage is considered a domestic waste, not an industrial waste. A person who collects and treats septage waste is providing the same service as a sewer and municipal wastewater treatment plant. These plants also do not qualify for exemption under Part 37.

The MDEQ considers any illegal discharging of septic waste a serious condition and will investigate reported incidents and respond accordingly.

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